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## RESPONSE TO REQUEST FOR INFORMATION

*United States Patent and Trademark Office*

By facsimile: (571) 273-8300

Attn: Office of Petitions

Kenya A. McLaughlin

Petition Attorney

In re: Patent No. 5980902

Issued: November 9, 1999

Application No. 09/048,966

Filing Date: March 26, 1998

Attorney Docket No. 53000/1001

Further to the petition filed under 37 CFR 1.378(b) on May 24, 2010 by PharmaTerra, Inc.; Petitioner offers this additional information:

PharmaTerra is a Washington State corporation with its principal office located at 3440 Mercer Way, Mercer Island, WA 98040 ("Company"). The Company offers the patented product identified by the above referenced Patent No. under the trade name and registered Trademark *ProBeta*®. The Company's modest sales are made exclusively from its website and unpaid personnel handle all corporate, operational and business affairs. The Company staff consists solely of its shareholder/officers all of whom have other full time occupations and have never received any compensation from the Company. Company operating responsibilities are divided between its four shareholders as follows: i) *Linda Baker*, Vice President - operational oversight, inventory management, order fulfillment, customer service, packaging and shipping; ii) *Dr. Michael Baker*, Vice President - quality control, research, technical support, scientific matters and professional interface; iii) *Wil Claus*, Chief Financial Officer - raw material and supply procurement, financial affairs, accounting, periodic reporting, tax filings and general administrative matters; and, iv) *Robert Adamowski*, President - overall administration, corporate governance and intellectual property compliance. In addition, all shareholders assist with encapsulation, bottling and labeling of the company's sole product.

With a four person staff and the division of responsibilities as they are, only Messrs Claus and Adamowski have first-hand knowledge of the circumstances surrounding the delay in paying the maintenance fee and they are the only persons with first-hand knowledge of the circumstances surrounding the failure to pay the maintenance fee.

The undersigned affirm and attest that, when they received advice of reinstatement on or about January 31, 2006, they individually and jointly believed that this was for the period ending on November 9, 2010. We docketed the matter accordingly and entered a reminder on the calendar six months in advance of that date. It was only in May of this year that we discovered that the reinstatement, erroneously believed to run to 11/09/2010, in fact related to a different period and had been granted in response to an earlier petition filed by the Company's former counsel.

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Upon that discovery we immediately filed the petition now under review and forwarded the requisite fee and surcharge to the United States Patent and Trademark Office. We acted as expeditiously as possible in the circumstance and until May of 2010 were under the good faith belief that the patent was in full force and effect.

Mr. Claus hereby affirms and joins in all statements made in the petition filed on May 24, 2010 and joins in advising that while Robert Adamowski had primary responsibility for intellectual property compliance matters in this instance they both committed the error which resulted in the patent's lapse.

Petitioner does not have any documentary evidence to submit in support of this petition; states that both of the undersigned are competent and sufficiently experienced with regard to monitoring and complying with intellectual property deadlines that absent this error the patent would not have lapsed and neither of us received any notice or advice of the patent's expiration prior to May 2010.

We each certify, in accordance with 37 CFR 1.4(d)(4) that we are the principal officers of PharmaTerra, Inc., a Washington Corporation, assignee of record of the entire patent interest and that the statements herein are true and accurate.

Signed: November 21, 2010

Signed: November 21, 2010

  
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